G. R. S. IX-5]

Previous references.

1891

~~192~~ .

(RB.)

File No. 205-91

Serial Nos.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 67

Part B for May 93.

SUBJECT.

Claim to the Patels of Kinadur Shikarpur Taluq by Venkatanarayanappa & Narasappa

---

To the D.C Shimoga

20037 — dy 27-5-93.

PF 303-92

Dismisses the appeal as there is no thing to show that they have any right to the price claimed.

Indexed by

Countermarked

WD 2233—GPB—20,000—14-6-20

In Circuit Court

=

M.R. 1430 of 1888

A.S. No: 145 of 1891.

Appellants -

1 Venkatramanappa,

2 Narayappa,

minors. by guardian

Seenappa, Shanbhog

of Barur Mapani,

Shikarpur Taluk,

Shimoga District.

Vs

Respondt - Kristappa, son

Seshabhatta,

of Tyagarti,

Shikarpur Taluk

The Appellants claim the

Patel Lak of the Kundur

village, Shikarpur Taluk.

The Registers of 1836,

1856, & 1868 shew the

name of Seshabhatta -

Respondt's father - as the

Lakdar Patel of the village.

From the remark written

in

the Register of 1868 the Registering
father Seshakka appears
to have resigned his name
to the Patels of the
village and that of
another village, Konalapoya.
It was also under contempla-
tion to select a fit person
for the Patels of Kundur.
This fact is also borne out
by the remark referred to
above. No reference are
forthcoming to show who
was appointed Patel of
Kundur in lieu of
Seshakka. The Appellants
allege that their father
Gundappa & after him
their Guardian Seenappa
(Shenbhog) continued
to do the duties of the
village till the Pattka
Potgi settlement of 1885-86.

In 1886-87 M. Pancha-
nada Rao, Asst Comr. appointed
Kuntappa (Respt) as Patel
of Kundur. The Pattka
Potgi settlement Register
shows that Seenappa was then
doing the work of the village.

In August 1887 the
Appellants

The appellants failed
to adduce evidence
in the Lower Court in
support of their allegation
though ample time &
opportunity was given
them.

The reasons assigned
by the Dep Com: are -

(1) Kristappa is the
son of the old Testator.
He is said to be now
(1887) 35 years old

(2) He must have been
in existence at the
time of his father's resignation
which must have been
between 1864 & 1868.

(3) There is nothing to
show that the (Respt)
Kristappa was a Convert
party or not.

(4) There is nothing in
the records to show that
Ignatiappal Appt's father)
was doing duty much
less the capacity in
which he did it.

appealed to the High Court
by Madhavrao, who
confirmed the appointment
of the Receiver as framed
the Appeal on 14th Dec
1887.

The present appeal to
their Office is against the
above decision of the Bombay
Court.

The appellants contend-

(1) That the Registered
Patel Sitaram was absolutely
resigned his office in 1864

(2) That the appellants
father Govind after a
after his death in 1873
the appellants' guardian
Chandrabhagabai Con-
-tinued to do the duties
their right as Patels
having been recognized
by Govt.

(3). That the Respondents'
any had been clearly barred
The main point in
issue is whether the
appellants are the
proper heirs to
the Patels. If so, how

With regard to the joint Shikarpur
Sehabhandar Inspection Log
accepted —

Sehabhandar depo-
sition seen in 1864
in Sindh. He has
no doubt started main
Mal. he does not know
the details / Kundan.
But there is no record
to show that the Inspection
Log was accepted & Certificate

As regards the 2nd point
Shikarpur Gundappa Log
regularly appointed —
the Kundan reports
Mal. there is no reference
to show Mal. Gundappa
has regularly appointed
& the Patel, except the
remark entered in the
Patel Register (of 1869)
Mal. Gundappa the
Village Patel accordg

Is Requisition made to State Government Grandapper pursuant to the Orders of the Patel in question.

N

1/12/92

Post for 4 Five days

3/12/92

Posted for hearing on 18th May 1893

Issued
—

The Potgieter settlement Extract produced contains the following particulars —

Mr. Rudolph with a Memo V Merlage

Issued as desired 24/10/92

24/10/92 Vi

Heading —	entry.
Village —	Kunduru.
Hakdaar —	1. Os Labhatta (dead)
	2. Adivappa (do)
Present incumbt. —	Shanbhog Seenappa on behalf of Gundappa.
Ref: to order appointing present incumbent.	no orders
Name of Hakdaar according to Regr of 1864-65	Rajanna son. Adivappa on behalf of Os Labhatta.
Qualifications of Present incumbent.	Both the Hakdaars are dead. The present Hakdaar

appears to be Shabbatha.
He leaves his sons -
1. Devappa - given in adoption
2 Kustappa - present.

He (Kustappa) prays that the Patel may be registered in the name of his minor son Shiriyappa (age 3 years) and work taken from a Jamadar.

Shivappa says that Gundappa has his brother-in-law, he leaves a son Venkatramana (age 16) & that the Karnavard may be entered in his name. * Venkatramana

If part Hakdari be taken into consideration Kustappa's request will have to be granted. Shivappa & Shambhoo Gundappa's heirs are not here.

name & person to be appointed

Further Order.

" The above named Shabbatha requested his

Patel Hale Lingappa. After
Lingappa died the work for
some years. He too died.
One Gundappa is said
to have done the Patel
work from the date of
Lingappa's death, but
there is no order or
any reference on the
subject. Gundappa
also died.

Kristappa son of
the late Hakkar seeks
that office now for
the post. I think his
claims should have
preference to those of
any other individual
who is related to
Gundappa. I therefore
appoint Kristappa as
Patel of Kundur which
is only 3 miles from
Belemdur the Patel
of which is held by
this individual
(Kristappa)

Sd/- V. Ramchandra Rao
Asst Commr.

In the Register of 1864

The following remark appears as regards Kundan —

Shabhatta is the Registrar for these 2 villages (Kundan & Korlkoppa). He has given a statement saying that he cannot do the work. This village villagers i.e. look after it he does not want it in the future & Govt may appoint anybody. A fit person has to be selected in the future & appointed by Govt. for Kundan." ××

The same remark is repeated in the register of 1868 as regards Kundan —

Partition proceedings contd. — 11 19/5/62

No records will forthcoming to show —

(1) whether Shabhatta's resignation was accepted —

(2) whether Gundappa was regularly appointed.

Call for the order passed in the matter & the enquiry if any conducted in connection therewith

11
20/2/62

11

Further information required
(vide Despatch No 152/146 10.5.92)

Mercara (Continued)

(1) Sheikh Sahabhattar resignation does not appear to have been accepted.

Sub Lahkatar deposition given in 1864 is sent. He has no doubt stated therein that he does not want the Patelli of his village - (Kundur).
There is no record to show that his resignation was accepted & acted upon.

(2) Khasim Gundaffa has regularly appointed

There is no reference to show that Gundaffa was regularly appointed by the Patels - except the remark entered in the Patel Register (of 1869). That Gundaffa does work as per Requirements Statement (vide uncertified copy produced).

19/5/92

M no 1430 of 1888
145 of 1891

applt

1 Venkatarayanappa
2 Narayanappa
of Jyagurki
Dhekanpur Taluq
Shimoga Dt

Respt

Krishnappa
represented by
Sri Venkatasami
advocate

In Regn of 1836, 56, a 68 shows that Respts father Krishnappa was a Patel of Kundur. A remark is entered in the Regr of 1864 that Krishnappa resigned the office & that the office [redacted] vacant. The office was apparently vacant [redacted] time, but in 1886, Respt was formally recognised in the office — Apptts stated that after Respts father resigned the office, their father Gundappa died during the office, & that Respt the appointment should be conferred upon one of them. The Dy Comr who enquired into the case rejected their claim of the apptts in 1887 as there was no evidence whatever other than apptts'

Fuller was appointed to the post,
or even that he did duties of
the office — The appeal is against
the order. —

There is nothing in the Records
to show that appts have any claim
right or claim to the office — The
appeal is therefore dismissed. —

1915793

Sec!

You are informed that the
appeal has been dismissed
as there is nothing to show
that they have any right
to the office claimed

OFFICE OF THE
1 AUG. 91
MEN OF TASMANIA

No. 1054

proper Tahsildar of [illegible] dated by the Revenue
Collector of Kaira (which was fatal) by the Govt.
who owned the Rajwan share of Sheelabhai
Referred to above; but that in 1885-86
when Potji Settlement took made in Shi-
hoor Kasba by the Potji Officers, unjustly
and illegally deducted the Office of K.
kati from the applicants & transferred
it to the Counter petitioner, who had lost
even the shadow of right, he might have
had to the Patili, in the year 1886 by virtue
of the [illegible] by his father
Sheelabhai, & this order was confirmed by the Depu
Asst. Shivaji Dist —

Now the applicants most humbly
pray that the appeal preferred by
them may be kindly heard & justice
done to them, by reinstating them
in the offices of the Patil & Kotwal
& by setting aside & reversing the Order of the Dep. Collr.
Asst.

Dt 15th Aug. 1891
Chinchpur

16 No. 41 R.

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

Received 20/12/91

The accompanying Petition No. 1054

dated 15th August/91 received at the

Dewan's Office from Vadakatiruvanapha

and Ramappa, minor by

guardian Seenappa, Shanboga

of Kasur Hobli, Chikkaspur

Taluk

is forwarded, ~~together with its~~

~~enclosures~~, to the Dy. Comm. Shimoga

Dr. for submission of

Proceedings and a precis

thereof

By Order,

Chief Secretary.

BANGALORE, 14/12/1891.

20 Draft

Note 2

10297

3

(General Serial No. 30). P23

1892.

Pol. Dept. &
Pol. 25/1/92
III

From The Deputy Commissioner Shimoga District

To The Chief Secretary to the Govt. of Bombay.

Dated 23rd January 1892.

Despatched

Received

Enclosures No. 1 (one)

General No. 345 Encl. 1 (one)

No. 52 Pol. Dept.

Subject Submitting Memorandum No. 41 dated 4th December 1891 forwarding a petition from Sankarappa and Narasappa, Sirsangi Taluk, for submission of the Proceedings and a precis thereof.

Has the honor to return the petition received with the above together with the Proceedings in

Submitted & Mr. Council with memo

1/2/92

20/1/92

33
26-1-92

18

Kansas appeal case No. 24 F. 1887-88

on the file of this Court and a

part of the Transcript.

Alfred Adams

by Commissioner

19.

(General Serial No. 30).

1892.

(4)

From

The Chief Secretary to the
Dewan of Mysore.

To

The Hon. Comm.
Shimoga Distt.

Dated 22nd Feby. 92.

Despatched 24th Feby. 92.

Received 26th Feby. 92.

Enclosures No.

General No. 1386 &c. &c.

P. No. 71.

His Highness the Maharaja is pleased to direct that the petition of Venkatanarasappa and Narasappa, Shikaris of Sakrepatna together with the proceedings in Civil Appeal Case No. 24 of 1883/88 on the file of His Highness' Court be returned to the Hon. Comm. Shimoga Distt. for disposal.

With reference to the above, he has the honor to request that the Hon. Comm. will be pleased to figure a fresh search to be carefully made, and submit his additional report, if any, giving the information as to whether Seshabhatta's resignation was accepted, and whether Gundappa was regularly appointed to do the Patel work.

Draft.

"By Order"

27/2

Chief Secretary.

performs the duties
of the Potēli in question.

Abdul Rahman,
Deputy Commr
Shimoga Dist

Pet. Dept Mar 12/5

Further information
called for has been
received & the matter
Continued

Submitted to the Council

12/5/92

N 20

(General Serial No. 30.)

1892

OFFICE OF THE
1784
13 MAY 92
DEWAN OF MYSORE

From

The Deputy Commr
Shimoga District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 10th May 92

Despatched —

Received

Enclosures No. 1 File of Kan papers

General No. ~~12~~ 152

No. 146

His docket no. 13460/71 dated 20th February last requesting information as to whether Seshabhatta's resignation was accepted and whether Gundappa was regularly appointed to do the Potēli work, and Reminder docket no. 767/9 dated 14th Ultimo.

With reference to the above, has the honor to forward herewith the Sagar Sirle Division Officers Kadit no. 246 dated

13/5/92

dated 3rd Instant transmitting the Amildars report and the deposition of Seshabhatta dated 12th July 1864. It will be seen from the Kyfiyath that he did not want the Potali of Kundoor and Korlkoppa, for, he could not manage it on account of his being the Potel of two other villages, and that he suggested that the man, who was then doing the work, might be given the Office.

2. With regard to the 2nd point, the Amildar reports that there is no reference to shew that Gundappa was regularly appointed to the Potali, except that a remark is entered in the Potali Register to the effect that according to Rajamma's statement Gundappa performs

No. 1054-

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

29 May 1893

Endorsement granted to Venkatarayanappa and Narayappa of Jyagasti, Shikarpur Taluk, Shimoga dist, by their guardian Seenappa

in reply to their Petition Registered No. 1054 dated 15-8-91, appealing against the Deputy Commr's order, rejecting their claim to the Patelli of Kundur

Petitioner is informed that their appeal has been dismissed as there is nothing to show that they have any right to the office claimed.

"By Order"

for Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

The Deputy Commissioner who enquired into the case rejected the claim of the Appellants in 1887, as there was no evidence whatever either that Appellants father was appointed to the post or even that he did duties of the Office. The appeal is against this order.

2. There is nothing in the Records to show that appellants have any right or claim to the office. The appeal is therefore dismissed.

"By order"

Redraft

D

20037 D 23/5
Pet: F. 303-92 27/5/93

for Chief Secy.

Copy forwarded to the Deputy Commr. Shimoga Dist. with the Vernacular proceedings received with his No. 795 D 752 23.1.92.

"By order"

for Chief Secretary

54-

Pp 205-91-7

23. Jodd Sodga

29-8-93

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

29 May 1893 (8)

Resp[t]s ~~Krishnappa~~ represented by ~~Venkataramiah~~, A.D.

Endorsement granted to Venkatarevanappa and Narnappa of Iyagarti, Hikarpur Taluk, Shimoga Distt, by their Guardian Seeta[illegible]a

y to their Petition Registered No. 1054 dated 15-8-91, appealing against the Deputy Commr's order rejecting their ~~claim~~ claim to the Patéli of Kundur

Petitioner is/are informed that their appeal has been dismissed as there is nothing to show that they have any right to the office claimed.

25/5/93

Redraft

Compd
Vms.

"By Order"

25/5

for Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.